IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 39 OF 2007
WITH
CRIMINAL WRIT PETITION NO.40 OF 2007

Krishna Texport Industries Ltd.
(Now known as KSL Realty and Infrastructure Ltd. .. Petitioner
v/s.
Mr. Jangi Lal Oswal and another .. Respondents

Mr.Abhay Nevagi and Mr. Tjaspal Thakur i/by Mr. Paras Kuhad & Associates for the petitioner.
Mr. P.A. Pol, APP for the State.

CORAM : B.H. MARLAPALLE, J.
DATED : 8TH AUGUST, 2007

P.C.

Heard Mr. Abhay Nevagi, the learned counsel for the petitioner. The respondent No.1 has been discharged by the Revision Court from both the complaints by referring to the law laid down by the Apex Court in the case of S.M.S. Pharmaceuticals v. Neeta Bhalla, The Punjab Law Reporter Vol. CXLII-(2006-1) Page 690.

2. It is also not in dispute that the transaction advanced by the petitioner was in favour of accused No.1-company and the dishonoured cheques were signed by accused No.2 Mr. N.K. Oswal, Chairman & Managing Director of the said company. It also appears from the complaint as brought on record that Shri H.R. Darwesh is the Executive Director of accused No.1-company against whom the complaint still survives. In the complaint, a bald statement was made that all the directors of accused No.1 were incharge and responsible for the day-to-day

administration of the said company. The Revision Court has rightly considered the contentions of accused No.3 and discharged him from the complaint. There is no ground made out to hold that the reasoning set out by the Revision Court is perverse or grossly erroneous. Hence both the petitions are rejected summarily.

(B.H. MARLAPALLE, J.)